

CHAPTER 39**(SB 122)**

AN ACT relating to motorcycle safety education and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 15A.350 is amended to read as follows:

- (1) The Justice and Public Safety Cabinet shall establish a motorcycle safety education program. The program shall provide for instructor training courses, instructor approval, and rider training courses for novice riders that shall be held at locations throughout the state. The program may provide for the following:
 - (a) Rider training courses for experienced riders;
 - (b) Activities to increase the awareness of a motorcyclist's knowledge of the effects of alcohol and drug use;
 - (c) Driver improvement efforts;
 - (d) Licensing improvement efforts;
 - (e) Program promotion activities;
 - (f) Enhancement of the public's awareness of motorcycles; and
 - (g) Enhancement of motorcycle safety through education.
- (2) The Justice and Public Safety Cabinet shall promulgate administrative regulations, pursuant to KRS Chapter 13A, governing the development of standards for, and the administration of, a motorcycle safety education program. Standards for the motorcycle rider training courses shall include standards for course content, delivery, curriculum, materials, student evaluation, and the training and approval of instructors. Standards shall meet or exceed established national standards for motorcycle rider training courses prescribed by the *National Highway Traffic Safety Administration* ~~[Motorcycle Safety Foundation]~~.

➔Section 2. KRS 15A.352 is amended to read as follows:

- (1) The motorcycle safety education program shall offer motorcycle rider training courses designed to develop and instill the knowledge, attitudes, habits, and skills necessary for the proper operation of a motorcycle. The courses shall be taught by instructors approved under KRS 15A.354 and shall include no fewer than eight (8) hours of hands-on instruction for a novice course.
- (2) Rider training courses shall be open to any resident of the state who is eligible for a motor vehicle instruction permit.
- (3) Rider training courses shall be provided free of charge to applicants under eighteen (18) years of age.
- (4) The cabinet shall issue certificates of completion in a manner and form prescribed by administrative regulations promulgated pursuant to KRS Chapter 13A to persons who satisfactorily complete the requirements of a motorcycle rider training course offered or authorized by the state program.
- (5) The Transportation Cabinet ~~shall~~*may* exempt applicants for a motorcycle driver's license or endorsement from the licensing skill test if they present satisfactory evidence of successful completion of an approved rider training course that includes a similar test of skill.
- (6)
 - (a) *The Motorcycle Safety Education Commission shall publish a list of approved rider training courses which meet the licensing requirements.*
 - (b) *The Motorcycle Safety Education Commission shall publish a list of approved instructor training courses which meet the licensing requirements.*

➔Section 3. KRS 15A.354 is amended to read as follows:

- (1) The cabinet shall approve instructors for the motorcycle rider training courses. A person shall not be approved as an instructor unless the person meets the requirements of this section and administrative regulations of the cabinet and holds a currently valid instructor certification issued by the *governing body of a program approved under the provisions of subsection (6)(b) of Section 2 of this Act* ~~[Motorcycle Safety Foundation]~~.

- (2) The program shall offer instructor training courses to prepare instructors to teach the motorcycle rider training courses. Successful completion of the instructor training course shall require the participant to demonstrate knowledge of the course material, knowledge of proper motorcycle operation, motorcycle riding proficiency, and the necessary aptitude for instructing students. A person shall not be approved as an instructor unless the person has successfully completed the instructor training course or an equivalent course offered in another state.
- (3) The cabinet shall establish additional requirements for the approval of instructors, including but not limited to the following:
 - (a) The person shall have a high school diploma or its equivalent;
 - (b) The person shall be at least eighteen (18) years of age and hold a valid motorcycle driver's license or endorsement;
 - (c) The person shall have at least two (2) years of recent motorcycle riding experience; *and*
 - (d) The person's driver's license shall not have been suspended or revoked at any time during the preceding two (2) years or at any time within the preceding five (5) years for any alcohol or drug related offense; ~~and~~
 - ~~(e) The person shall not have been convicted of a felony.~~
- (4) In the case of a nonresident, the cabinet shall obtain and review the person's driving record from the state where the person is licensed prior to approval or reapproval of the person as an instructor.
- (5) The cabinet shall annually review the status of all approved instructors and shall withdraw approval from any instructor who is no longer qualified under the requirements of this section. The cabinet shall immediately withdraw approval of an instructor when it receives adequate notice of any disqualification.

➔Section 4. KRS 15A.356 is amended to read as follows:

- (1) The cabinet may enter into contracts with public or private entities for course delivery and for the provision of services or materials necessary for implementation of the program.
- (2) The cabinet may offer motorcycle rider training courses directly and may approve courses offered by independent public or private entities as authorized program courses if they are administered and taught in full compliance with standards established for the state program.
- (3) The cabinet may establish by administrative regulation reasonable enrollment fees to be charged for persons who participate in motorcycle rider training courses offered by the cabinet and for persons who participate in approved courses offered by independent public or private entities.
- (4) The cabinet may utilize *up to ten percent (10%) of* available program funds *each fiscal year* to defray its own expenses in offering motorcycle rider training courses and may reimburse entities that offer approved courses for the expenses incurred in offering the courses to minimize course enrollment fees charged to the students.
- (5) The cabinet shall provide meeting facilities and administrative assistance and support to the Motorcycle Safety Education Commission and the expenses shall be paid from the budget of the cabinet. The cabinet shall prepare and maintain all minutes of the commission's proceedings and shall be the custodian of all files and records of the commission.

➔Section 5. KRS 15A.358 (Effective until January 1, 2019) is amended to read as follows:

- (1) The motorcycle safety education program fund is established as a restricted fund in the State Treasury. Moneys in the fund are hereby appropriated for the purposes set forth in KRS 15A.350 to 15A.366. Moneys in the fund shall be utilized to provide motorcycle training courses as established in KRS 15A.352 and for implementation of the program, including reimbursement of entities that offer approved motorcycle rider education courses. The Justice and Public Safety Cabinet ~~may~~~~shall not~~ deduct *up to ten percent (10%) of available program funds per fiscal year for* administrative costs from the motorcycle safety education program fund.
- (2) If at the end of each fiscal year money remains in the fund, it shall be retained in the fund. The interest and income earned on money in the fund, after deducting any applicable charges, shall be credited to the motorcycle safety education program fund.
- (3) The following revenue shall be credited to the fund:

- (a) Four dollars (\$4) of the annual registration fee for each registered motorcycle as provided in KRS 186.050;
- (b) Four dollars (\$4) of the application fee for a motorcycle instruction permit as provided in KRS 186.531;
- (c) Four dollars (\$4) of the fee for each original or renewal motorcycle driver's license or endorsement as provided in KRS 186.531; and
- (d) Any federal or state motorcycle safety funds granted to the program.

➔Section 6. KRS 15A.358 (Effective January 1, 2019) is amended to read as follows:

- (1) The motorcycle safety education program fund is established as a restricted fund in the State Treasury. Moneys in the fund are hereby appropriated for the purposes set forth in KRS 15A.350 to 15A.366. Moneys in the fund shall be utilized to provide motorcycle training courses as established in KRS 15A.352 and for implementation of the program, including reimbursement of entities that offer approved motorcycle rider education courses. The Justice and Public Safety Cabinet ~~may~~~~shall not~~ deduct **up to ten percent (10%) of available program funds per fiscal year for** administrative costs from the motorcycle safety education program fund.
- (2) If at the end of each fiscal year money remains in the fund, it shall be retained in the fund. The interest and income earned on money in the fund, after deducting any applicable charges, shall be credited to the motorcycle safety education program fund.
- (3) The following revenue shall be credited to the fund:
 - (a) Four dollars (\$4) of the annual registration fee for each registered motorcycle as provided in KRS 186.050;
 - (b) Four dollars (\$4) of the application fee for a motorcycle instruction permit as provided in KRS 186.531;
 - (c) Ten dollars (\$10) of the fee for each original or renewal motorcycle driver's license or endorsement as provided in KRS 186.531; and
 - (d) Any federal or state motorcycle safety funds granted to the program.

➔Section 7. KRS 15A.362 is amended to read as follows:

- (1) The Motorcycle Safety Education Commission is established as an independent body to help foster the growth and development of the motorcycle safety education program established under KRS 15A.350.
- (2) The Motorcycle Safety Education Commission shall be composed of seven (7) members, appointed as follows:
 - (a) One (1) representative of the Department of Kentucky State Police, appointed by the Governor;
 - (b) One (1) representative of the Transportation ~~Cabinet~~~~Cabinet's Division of Driver Licensing~~, appointed by the Governor;
 - (c) One (1) instructor in the motorcycle safety education program, appointed by the Governor;
 - (d) Two (2) members of the Kentucky Motorcycle Association, to be appointed by the Governor from a list of five (5) nominees selected by the association;
 - (e) One (1) member appointed by the Governor from a list of three (3) nominees selected by the President of the Senate; and
 - (f) One (1) member appointed by the Governor from a list of three (3) nominees selected by the Speaker of the House of Representatives.
- (3) Members of the Motorcycle Safety Education Commission shall serve a term of four (4) years. Sitting members shall be eligible to succeed themselves.
- (4) Commission members shall receive no compensation for their services and shall not be compensated for expenses incurred from travel or in connection with the performance of their duties as commission members.
- (5) The commission shall elect its chair and vice chair from its membership.
- (6) The commission shall meet quarterly or upon the call of the chair or the request of the secretary of the Justice and Public Safety Cabinet.

- (7) The commission may take action only at meetings where a quorum is present.
- (8) The commission shall keep a record of its meetings and recommendations.

➔Section 8. KRS 15A.366 is amended to read as follows:

The cabinet shall prepare an annual report on the program to be submitted to the Governor and the Legislative Research Commission and made available to the public for review during the cabinet's normal business hours. The report shall include:

- (1) The number and location of courses offered;
- (2) The number of:
 - (a) *Applicants that have applied to be* instructors *during the previous year;*
 - (b) *Applicants approved to be instructors during the previous year; and*
 - (c) *Active instructors during the previous year*~~[approved]~~;
- (3) The number of students *that registered for the various courses and the number of students that completed* ~~the~~~~[trained in]~~ various courses *successfully*;
- (4) The number of permits, licenses, and registrations issued;
- (5) The amount of money collected by category for permits, licenses, and registrations;
- (6) Other information about program implementation as the cabinet shall deem appropriate; and
- (7) An assessment of the overall impact of the program on motorcycle safety in the state.

The report shall also provide a complete accounting of revenue receipts of the motorcycle safety education program fund and of all moneys expended under the program.

Became law without Governor's signature March 30, 2018.